



Attorney's Docket No TRW(AEC)5797

DAC \$
#6
1/28/03
PATENT

MAR 11 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cornelius Peter

Application No.: 09/836,763

Group No.: 3654

Filed: April 17, 2001

Examiner: William Arauz Rivera MAR 13 2003

For: **BELT RETRCTOR**

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Assistant Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OFFICE ACTION NOT RECEIVED (37 CFR 1.181)**

NOTE: *The Notice of October 25, 1993, 1156 O.G. 53 states (in part): "In order to minimize costs and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action, the Office is modifying the showing required to make a petition to withdraw the holding of abandonment grantable. The showing required to establish the failure to receive an Office action[n] must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement."*

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received.
2. I hereby state:
 - (a) The Office Action indicated as mailed on August 27, 2002 (Date), was not received.
 - (b) A search of the file jacket and the docket records in my office indicates that this Office Action as not received.

CERTIFICATION UNDER 37 C.F.R. §§1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

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MAR 17 2003

I hereby certify that on this date shown below, this correspondence is being:

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MAILING

deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10*

with sufficient postage as first class mail. as "Express Mail Post Office to Addressee" Mailing Label No. _____ (mandatory)

TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.

Anita J. Galo
Signature

Anita J. Galo

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

03/12/2003 SLUAW61 00000035 09836763

(Petition to Withdraw Holding Abandonment - Office Action Not Received [9-45]-Page 1 of 2)

01 FC:1460

130.00 OP

3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed.
4. As additional evidence of non-receipt of the Office Action, I also attached

NOTE: In the Notice of Oct. 25, 1993, 1156 O.G. 53, it is pointed out that evidence which previously was typically required included the following items, which petitioner can optionally submit.

- Copies of records that would disclose the receipt of other correspondence mailed from the PTO on or about their mail date of the non-received Office Action that fail to disclose the receipt of the Office Action mailed on that date.
- Copies of records on which the Office Action would have been entered had it been received.
- Statements from the person(s) who would have handled the Office Action had it been received.
- Other:

5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

NOTE: As the Notice of Oct. 25, 1993, 1156 O.G. points out: "Two additional procedures are available for reviving an application that has become abandoned due to a failure to respond to an Office Action: (1) a petition based on unintentional abandonment or delay; and (2) a petition based on unavoidable delay. See Manual of Patent Examining Procedure § 711.03(c)."

6. The petition fee (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:

- Attached is a check money order in the sum of \$130.00
- Authorization is hereby made to charge the amount of \$0.00
- to Deposit Account No. 20-0090
- to Credit card as shown on the attached credit card information authorization form PTO-2038.

WARNING: Credit card information should not be included on this form as it may become public.

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.



SIGNATURE OF ATTORNEY

Reg. No.: 20,177

Thomas L. Tarolli
(type or print name of attorney)

Tel. No.:(216) 621-2234

Tarolli, Sundheim, Covell
& Tummino L.L.P.
526 Superior Avenue, Suite 1111
P.O. Address

Customer No.:

Cleveland, OH 44114-1400

26,294

File No. 101188C)5797 PROTECT 07
Client Ref. 007704 Serial No. 091836,763
Att'y. TJ PRINZ 19359 US Filed APRIL 17, 2001
Inventor PETER, CORNELIUS
Title RELT RETRACTOR

KA:

Residence

114

Q. Address

U.S. Address Incorporation

Assignment Executed 4-2-01 Recorded 4-17-01 B-A-008 YCO-00 Reel 11754 Frame 633

Actions and Amendments

owed	Client Notified		
al Fee Due	Fee Paid	Add'l , Fee Paid	
ent Date	Patent No.		
esign Associate:			

FILE NO: (AEC)5797 ATTR: TLT
CLIENT: TRW AUTOMOTIVE ELECTRONIC
Title: BELT RETRACTOR
DATE: 05-15-2001 TIP:P ST:P



PATENT

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING DEPOSITED WITH THE U.S. POSTAL
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE
ADDRESSED TO: ASSISTANT COMMISSIONER FOR
PATENTS, WASHINGTON, D.C. 20231, ON

March 4, 2003

Amato J. Hato 03/04/2003
SIGNATURE DATE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cornelius Peter
Serial No. : 09/836,763
Filing Date : April 17, 2001
For : BELT RETRACTOR
Group Art Unit : 3654
Examiner : William Arauz Rivera
Attorney Docket No. : TRW(AEC)5797

Assistant Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF RICHARD KLINE FOR ADDITIONAL
EVIDENCE OF NON-RECEIPT OF THE NOTICE OF ALLOWANCE

Sir:

I, Richard Kline, state that I would have handled the
Notice of Allowance had it been received.

Respectfully submitted,

Rich K.

Richard Kline
Customer No.: 26,294

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072



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Amber J. Molo 03/04/2003
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Assistant Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF SHARYN KUZMA FOR ADDITIONAL
EVIDENCE OF NON-RECEIPT OF THE NOTICE OF ALLOWANCE

Sir:

I, Sharyn Kuzma, state that I would have handled the
Notice of Allowance had it been received.

Respectfully submitted,

Sharyn Kuzma
Sharyn Kuzma
Customer No.: 26,294

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072



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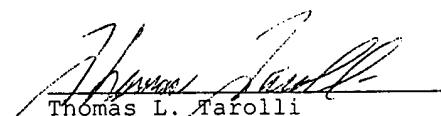
Assistant Commissioner for Patents
Washington, D.C. 20231

STATEMENT OF THOMAS L. TAROLLI FOR ADDITIONAL
EVIDENCE OF NON-RECEIPT OF THE NOTICE OF ALLOWANCE

Sir:

I, Thomas L. Tarolli, state that I would have handled the
Notice of Allowance had it been received.

Respectfully submitted,


Thomas L. Tarolli
Reg. No. 20,177
Customer No.: 26,294

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone: (216) 621-2234
Fax: (216) 621-4072

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OFFICE ACTIONS AND AMENDMENTS

DATES	REFERENCES
July 17 2001	IDS 1.7.13.01
Oct 22 2001	NOTES OF PUBLICATION
Apr 23 2002	RENEW D. 25.02.61/10.25.02
July 30 2002	AMEND M. 7.25.02
Jan 9 2002	NOTES OF NON-OPPOSITION



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Amber S. Hobbs 3-4-03
SIGNATURE DATE

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Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

LETTER

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Attached is a copy of the front cover of the application
file jacket, on which the Notice of Allowance would have been
entered had it been received.

Also, attached is a copy of the docket record where the
non-received Notice of Allowance would have been entered had
it been received and docketed.

Respectfully submitted,


Thomas L. Tarolli
Reg. No. 20,177
Customer No.: 26,294

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& TUMMINO L.L.P.
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